



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE <b>February 19, 2016</b>	CONTACT/PHONE <b>Brandi Cummings (805) 781-1006 bcummings@co.slo.ca.us</b>	APPLICANT <b>Lot 11 EAP, LLC</b>	FILE NO. <b>DRC2015-00056</b>
SUBJECT <b>A request by LOT 11 EAP, LLC. for a Minor Use Permit (DRC2015-00056) to allow for the construction of a 14,389 square-foot commercial warehouse building, including associated parking, landscaping, and site improvements. The proposed project will result in the disturbance of the entire 1.28 acre parcel, located in the Commercial Service land use category. The project site is located at 1220 Kendall Road, approximately 1,200 feet east of the Highway 227 and Kendall Road intersection and approximately 1,200 feet southeast of the San Luis Obispo city-limit. The site is located in the San Luis Obispo sub-area of the San Luis Obispo planning area.</b>			
RECOMMENDED ACTION <b>Approve Minor Use Permit DRC2015-00056 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.</b>			
ENVIRONMENTAL DETERMINATION <b>The Environmental Coordinator found that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Mitigated Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Mitigated Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Mitigated Negative Declaration has been identified. No new mitigation measures have been proposed.</b>			
LAND USE CATEGORY <b>Commercial Service</b>	COMBINING DESIGNATION <b>Airport Review Area</b>	ASSESSOR PARCEL NUMBER <b>076-512-011</b>	SUPERVISOR DISTRICT(S) <b>3</b>
PLANNING AREA STANDARDS: <b>Airport Review, San Luis Obispo Sub-area Standards, San Luis Obispo Urban Area Standards</b>			
LAND USE ORDINANCE STANDARDS: <b>Setbacks, Parking</b>			
FINAL ACTION <b>This tentative decision will become final action on the project, effective on the 15<sup>th</sup> day following the administrative hearing, or on March 5, 2016, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.</b>			
EXISTING USES: <b>Undeveloped, food bank (under construction)</b>			
SURROUNDING LAND USE CATEGORIES AND USES: <b>North: Agriculture/Residence, undeveloped East: Commercial Service/Offices, warehouses, commercial service businesses South: Commercial Service/Offices, warehouses, commercial service businesses West: Commercial Service/Undeveloped</b>			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Airport, Cal Fire, Airport Manager, City of San Luis Obispo	
TOPOGRAPHY: Mostly level	VEGETATION: Grasses, ornamentals
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CalFire	ACCEPTANCE DATE: December 11, 2015

## DISCUSSION

### PROJECT HISTORY

Tract 2368, a 26-lot commercial service planned unit development subdivision, was approved by the Planning Commission in August 2003 and recorded in 2006. The subdivision included 23 developable lots and three parcels to be used for drainage basins, water facilities/storage and infrastructure.

Currently, there is approved development on eleven of the parcels and proposed development on three additional lots in the tract – including the current parcel (see table below):

Lot #	Approved and Developed	Approved and Under Construction	Proposed
<b>5</b>	12,007 sq.ft. commercial office DRC2013-00082 PMT2013-2709		
<b>6</b>	13,076 sq.ft. commercial shell bldg. DRC2012-00059 PMT2012-02202 and 02203		
<b>7</b>	9,479 sq.ft. office DRC2008-00036 PMT2008-01708		
<b>10</b>			15,083 sq.ft. office / warehouse building DRC2014-00124 SUB2015-00002
<b>11 (Current parcel)</b>	SUB2014-00060 (2 lot parcel map, recorded)	19,664 sq.ft. warehouse building (FOOD BANK) DRC2015-00013	14,389 sq.ft. warehouse building DRC2015-00056
<b>12</b>	10,800 sq.ft. office DRC2012-00087 PMT2013-00335		
<b>14 (APN -029)</b>	6,366 sq.ft. equipment rental building DRC2013-00033 PMT2013-02539		
<b>15</b>		25,067 sq.ft. commercial manufacturing bldg. DRC2013-00004 PMT2013-03198	
<b>16</b>	9,998 sq.ft wholesale commercial bldg. 3,000 sq.ft. offic DRC2012-00034 DRC2013-00024 PMT2012-01976 PMT2013-00881		
<b>17</b>	26,000 sq.ft. manufacturing bldg. DRC 2012-00014 PMT2012-01094		
<b>19 (APN - 032)</b>	26,378 sq.ft. office DRC2011-00101 PMT2012-00588		

<b>20 (APN - 030)</b>	46,000 sq.ft. office DRC2011-00014 PMT2011-00825		
<b>24</b>			Two commercial buildings totaling 7,376 square feet (Restaurants) DRC2013-00106

During review of Tract 2368, specific mitigation measures were developed for water supply and traffic to assure that water usage, and traffic generated, stayed within the levels assumed in the analysis of these issue areas as the tract was developed. These levels were tied to a total of 1,000 employees for all of the parcels when developed. Overall structural development within the subdivision was limited to 500,000 square feet. Conditions of approval provided a formula for the maximum square footage per parcel based on the parcel size as well as a formula for calculating the water allotment per parcel.

When Tract 2368 went to the Planning Commission in 2003, conditions of approval specific to Parcels 9, 11 and 12 were added based on public testimony regarding potential inconsistencies between the future commercial service uses within the subdivision, and the agriculturally zoned property to the north that is developed with a residence. Condition 48 requires a Minor Use Permit (at a minimum), 75-foot rear setback from the northern property line, a visual impact analysis, landscape plan, lighting plan with no lighting on the north facing portion of the structures, a building height of 25 feet, and no windows along the northeastern edge of proposed buildings on Lots 11 and 12 (see attached table for specific condition wording).

A parcel map dividing the overall 3.03 acre parcel (Lot 11) into two parcels of 1.75 and 1.28 was approved by the Subdivision Review Board on September 14, 2015 and recorded on December 21, 2015. No amendments to the existing conditions of approval for Tract 2368 were proposed or approved as part of that proposal. Development of the proposed warehouse will occur on Proposed Parcel 2 of the parcel map, the 1.28 acre parcel.

#### CURRENT PROPOSAL

The current project is for a 14,389 square foot, single story-warehouse and is designed to create a functional and affordable commercial development that is consistent with the County's architectural guidelines of modern airport and modern agrarian.

#### TRACT 2368 CONDITIONS OF APPROVAL

Condition 48: Permit Requirements and Design Standards for Lots 9, 11 and 12 of Tract 2368:

- A. **At the time specific development is proposed**, a Minor Use Permit (or higher level of discretionary review if required otherwise) shall be obtained to establish the use and compatibility with the neighboring residential uses (i.e., viewer group expectations and sensitivity).
- B. **Lighting:** Lighting shall be prohibited on those portions of structures directly facing the northeastern edge of the lots.
- C. **Building heights** on Lots 9, 11, and 12 shall be limited to a single-story with a maximum height of twenty-five feet (25') above existing grade(s).
- D. **Windows:** Windows shall be prohibited on those portions of proposed buildings on Lots 11 and 12, located along the northeastern edge of the lots neighboring

residential use(s). Windows on those portions of the proposed building on Lot 9 along the northeastern edge of the lot shall be limited to a height of ten feet (10'). Windows shall be tinted, angled and/or recessed to prevent indoor lighting from being visible from the neighboring residential uses after sunset.

- E. Building Setbacks;
  - i. Lot 9 - Thirty feet (30') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.
  - ii. Lots 11 & 12 - Seventy-five feet (75') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.
- F. The following plans and/or reports shall be included with application submittal:
  - i. Visual Impact Analysis. The visual impact analysis shall identify the critical project components as proposed by the applicant (building location, building height, location of and type of glazing, building color, site lighting and landscaping) and allowed under applicable ordinances. The analysis shall include determining impacts to the neighboring residential uses and possible mitigation measures to lessen any potentially significant visual impacts. The analysis shall utilize line of sight diagrams, photographic simulations or other available technology to evaluate the project's impact to the neighboring residential use(s) and to depict applied mitigation measures illustrating potential effectiveness.
  - ii. Landscape Plan: Submit a landscape plan, prepared by a qualified individual, that will either provide for a solid landscaped buffer along portions of the northeastern edge of the lots 9, 11 and 12 or demonstrate (through the visual impact analysis) that the proposed landscape will provide for adequate privacy screening. Plant material shall consist of a mix of trees and shrubs that are evergreen, fast-growing in clay soils, and drought tolerant.
  - iii. Lighting Plan: Submit a building and site lighting plan. Plan shall depict that all lighting fixtures that are visible to surrounding residences be designed to direct light downward, fully contain direct glare on site, and shall be hooded and shielded, accordingly. Low-profile (bollard type with a maximum height of four feet), minimum intensity lighting shall be utilized. Non-glare lighting shall be used throughout the proposed project. Any security lighting shall be screened such that lights are not visible at a distance of 30 feet.
- G. These measures shall no longer be in effect if the neighboring residential uses cease to exist.

*Staff comments: The proposed project complies with this condition of approval. No lighting is proposed on the northeastern edge of the structure, and the project is conditioned to prohibit lighting in that area. The proposed building is 25 feet in height and is conditioned for a height survey during construction. No windows are proposed and the project is conditioned to prohibit windows on the northeastern side of the building. The proposed structure is setback in the rear 86 feet, and complies with the setback condition. A landscape and lighting plan were submitted as part of this application.*

## SAN LUIS OBISPO PLANNING AREA STANDARDS

### Airport Review

Properties located in the AR area are required to have Airport Land Use Commission (ALUC) review to allow for a determination of consistency with the Airport Land Use Plan (ALUP). Tract 2368, a 26-lot commercial service subdivision was reviewed by the ALUC on April 4, 2001. The project was found consistent with ALUP. A few of the design elements of the tract resulted from that review. The most significant is the somewhat perpendicular alignment of Kendall Road with Runway 7-25 and wide dimension of Kendall Road, free from street light poles and center divider trees. The rationale behind the street alignment was to have an open and suitable area for an aircraft to touchdown in the case of an engine/mechanical failure at either a departure or approach to Runway 7-25. The orientation, alignment and wide dimension of Kendall Road also allows for an Airport Compatible Open Space (ACOS) inside this tract, which according to the ALUP, allows for an increase in non-residential density from 40 people per acre to a maximum of 50 people per acre.

Another notable condition set forth by the ALUC was that future projects within Tract 2368 comply with the current ALUP regarding density. The ALUP allows up to 50 people per acre in Safety Area S-1c, along with the approved ACOS, the allowable density is 50 people x 1.75 acres = 88 people maximum on proposed Parcel 1, and 64 people maximum on proposed Parcel 2 (50 x 1.28 acres). Future development will need to comply with this standard.

### San Luis Obispo Sub-Area

Applicable standards include: undergrounding of utilities, application referral to the City of San Luis Obispo, transit-oriented standards and highway corridor design. As proposed and conditioned, the project meets these standards (see discussion below).

A condition has been added to the project that all utilities shall be installed underground. The application was referred to the City of San Luis Obispo Community Development Department and Public Works Department for review and comment. No response from the City was received prior to writing of this staff report

Transit-oriented standards pertain to projects with employment centers of 100 jobs or more. When the original subdivision (Tract 2368) was being finalized, the applicant at that time paid into a regional transportation fund to provide bus service in the area. The Regional Transit Authority does not have a bus stop next to this subdivision or at the San Luis Obispo Regional Airport, but does have a stop within approximately one mile of the project (at the Marigold Center in the City of San Luis Obispo). Highway corridor design standards were incorporated into the original conditions of approval for the subdivision and the prior Conditional Use Permit including building and landscape corridors, limited fencing, and screening of parking areas.

### San Luis Obispo Urban Area Standards

Applicable standards include providing an on-site water supply, limitations on use, airport area standards, landscaping standards and an allowance for a reduction in the number of required parking spaces. As proposed and conditioned, the project complies with these standards (see discussion below).

The project is served by the East Airport Fiero Lane Water Company for water and the Fiero Lane Water Company for sewer. A will serve letter from the Fiero Lane Water Company was received for this project (June 22, 2015). With regard to the airport area standards, the original subdivision (Tract 2368) was required to design for dry sewer and water facilities for future connection to City systems if annexed in the future, and is required to have the current wastewater system inspected annually.

## LAND USE ORDINANCE STANDARDS

Setbacks. Required setbacks are a 10-foot front setback, 0 foot side setbacks, and a 75 foot rear setback, per Tract 2368 conditions of approval. The proposed project is setback 37 feet in the front, 33 feet on the left side, 22 feet on the right side, and 86 feet in the rear. Therefore, the proposed project complies with this standard.

Parking. Parking for warehouses is required at 1 space per every 1,000 sf, up to 10,000 sf, and 1 space per every 3,000 sf thereafter. The proposed project requires 14 parking spaces for the first 10,000 sf, and 1.46 parking spaces for the remaining 4,389 sf, for a total of 16 parking spaces. 36 parking spaces are proposed for this project, and therefore the project complies with this standard.

## ENVIRONMENTAL DETERMINATION

Since the original project was approved in 2003, a new Clean Air Plan was adopted by the Air Pollution Control District (APCD). The conditions of approval incorporate the new policies and standards from the 2009 Clean Air Plan. Conditions of approval have been added accordingly and do not represent a significant change to the previously adopted Mitigated Negative Declaration warranting additional environmental review. Staff prepared an addendum to the previously issued Mitigated Negative Declaration for development on Parcel 2, outlining the change to the overall project description, but showing that the impacts associated with the new parcel are the same because the overall maximum square footage and water usage allowed will not change. This project is consistent with the previously adopted Mitigated Negative Declaration.

## AGENCY REVIEW

Public Works – per attached referral response (Tomlinson, November 23, 2015), recommends conditions regarding access, storm water, and drainage.

Building Division – per attached referral response (Stoker, November 25, 2015), project shall comply with all applicable building codes.

Airport – per attached referral response (Piper, December 3, 2015), FFA referral and aviation easement required prior to construction permit issuance.

Cal Fire – per attached referral response (Craig, December 9, 2015), fire safety plan attached.

City of San Luis Obispo - No comments received.

## LEGAL LOT STATUS

The one legal lot is Parcel 2 of CO15-041 (a portion of Lot 11 of Tract 2368) and was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Brandi Cummings and reviewed by Karen Nall.